

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

May 19, 2003

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, May 19, 2003, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris and Mayor Ralph K. Smith-----6.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Catherine A. Houchins, Pastor, Metropolitan Community Church of the Blue Ridge.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

OATHS OF OFFICE-CITY COUNCIL: Mr. Harris offered the following resolution appointing Beverly T. Fitzpatrick, Jr., to fill the unexpired term of William H. Carder, Council Member, ending June 30, 2004:

(#36330-051903) A RESOLUTION appointing Beverly T. Fitzpatrick, Jr., to fill the unexpired term of William H. Carder.

(For full text of Resolution, see Resolution Book No. 67, page 286.)

Mr. Harris moved the adoption of Resolution No. 36330-051903. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Harris and Mayor Smith-----6.

NAYS: None-----0.

The Honorable Charles N. Dorsey, Judge, Twenty-Third Judicial Circuit of Virginia, administered the Oath of Office to Council Member-Elect Fitzpatrick, following which he officially took his seat on the Roanoke City Council.

PROCLAMATIONS-EMERGENCY MEDICAL SERVICES: The Mayor presented a proclamation declaring May 18 - 24, 2003, as Emergency Medical Services Week.

PROCLAMATIONS: The Mayor presented a proclamation declaring Sunday, June 1, 2003, as Helen Keller Day.

ACTS OF ACKNOWLEDGMENT: The Mayor read a communication from Chief Petty Officer John Fendor, Jr., who is currently serving in the Persian Gulf, commending the City of Roanoke on its displays of patriotism.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to two requests for closed session.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from Vice-Mayor C. Nelson Harris, Chair, Roanoke City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss performance evaluations of four Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the Vice-Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-AUDIT COMMITTEE: Minutes of the meeting of the Roanoke City Audit Committee (Planning Session) held on Monday, April 21, 2003, were before the body.

Topics of discussion: Why Audit and Types of Audits, The Ten Year History of Reported Audits and Anticipated Demands on Audit Staff Resources.

Mr. Cutler moved that the minutes be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-COMMUNITY PLANNING: A communication from the City Clerk advising of the resignation of S. Wayne Campbell as a member of the City Planning Commission, effective immediately, was before Council.

Mr. Cutler moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

TAXES: The City Manager submitted a communication advising that on December 2, 2002, Council approved a new policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City of Roanoke, pursuant to Resolution No. 36148-120202, adopting the Process for Determination of Property Tax Exemption dated December 2, 2002, effective January 1, 2003; and at that time, Council Member Carder inquired as to whether the policy could be amended to require organizations that petition the City to have their real property declared tax exempt to pay, voluntarily, a sum equal to the service district tax currently imposed in two areas in the City (Downtown and Williamson Road).

It was further advised that the City Attorney has reviewed the issue and offered a written opinion to Council dated December 9, 2002; special taxes levied in these two districts are levied to provide for additional governmental services not being offered uniformly throughout the entire City; while localities may not impose a service district tax on property within a district that is not otherwise subject to local taxation, City Council may require, as a condition to granting tax exempt status to an organization in the future, that the organization pay voluntarily to the City a sum equal to what it would otherwise be obligated to pay as a service district tax, just as Council now does with regard to service charges; and the policy document has been amended to include this new provision.

It was stated that in addition, House Bill 1750 was passed during the 2003 Session of the General Assembly to implement the constitutional amendment permitting localities to grant real estate tax exemptions on and after January 1, 2003, and was signed by the Governor on May 2, 2003, which recommends specific procedures that require additional changes to the City of Roanoke's procedure.

The City Manager recommended that Council approve amendments to City policy regarding the determination of tax-exempt property, including changes required by HB 1750 and including language requiring, as a condition to granting tax exempt status to an organization in the future, that the organization pay, voluntarily, to the City a sum equal to what it would otherwise be obligated to pay as a service district tax.

Mr. Dowe offered the following resolution:

(#36331-051903) A RESOLUTION adopting a new policy and procedure with respect to processing requests from non-profit organizations to have their property exempted from taxation pursuant to Article X, §6(a)(6), of the Constitution of Virginia; and repealing Resolution No. 36148-120202, adopted December 2, 2002.

(For full text of Resolution, see Resolution Book No. 67, page 286.)

Mr. Dowe moved the adoption of Resolution No. 36331-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-BUDGET-CITY PROPERTY-FLOOD REDUCTION/CONTROL: The City Manager submitted a communication advising that the City of Roanoke has been awarded a grant from the Federal Emergency Management Agency (FEMA) and the Commonwealth of Virginia Department of Emergency Management (VDEM) through its Hazard Mitigation Grant Program (HMGP), for the purpose of removing a building located at 1428 10th Street, N. W., which is subject to repetitive flooding; and of the existing 987 Elevation Certificates City-wide, this property is at the top of the list for flood vulnerability.

It was further advised that during the 1985 flood of record, the depth of water reached 10.7' above the bottom floor elevation; the property was appraised by Miller, Long & Associates, Inc., in November 2002, and market value was determined to be \$100,000.00; the program is entirely voluntary and the property owner was notified of the appraisal and at the property owner's request, the City pursued the grant; current tenants will be relocated following requirements of the grant and after relocation is completed, the building will be demolished.

It was explained that total project cost estimate is \$161,400.00 which includes purchase of the property, relocation and demolition; the grant award will cover \$153,330.00 of the proposed cost, with the remaining funds totalling \$8,070.00 available in the Capital Projects Fund Lick Run Greenway account; and authorization is needed to move forward with procurement of title work, document preparation related to acquisition of the necessary property rights and eventual demolition of the structure.

The City Manager recommended that she be authorized to execute the necessary documents, in a form approved by the City Attorney, to purchase real property owned by Mr. Ali Ababseh, 1428 10th Street, N.W., Official Tax Nos. 2130614 and 2130615; authorize demolition of the structure and close the 10th Street Hazard Mitigation Grant Program grant, in accordance with requirements of the Federal Emergency Management Agency; create an account entitled, Hazard Mitigation Grant – 1428 10th Street, and establish revenue estimates in the amount of \$121,050.00 from FEMA and \$32,280.00 from VDEM in the Grant Fund; and transfer \$8,070.00 from the Capital Projects Fund Lick Run Greenway, Account No. 008-530-9754, to Grant Fund Hazard Mitigation Grant – 1428 10th Street account.

Mr. Dowe offered the following budget ordinance:

(#36332-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects and Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 288.)

Mr. Dowe moved the adoption of Ordinance No. 36332-051903. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following ordinance:

(#36333-051903) AN ORDINANCE authorizing the acquisition and demolition of certain property located at 1428 10th Street, which is subjective to repetitive flooding, under the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program and the Commonwealth of Virginia Department of Emergency Management's (VDEM) Hazard Mitigation Grant Program, upon certain terms and conditions; authorizing the closing of the 10th Street Hazard Mitigation Grant Program; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 289.)

Mr. Dowe moved the adoption of Ordinance No. 36333-051903. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Council Member Cutler inquired if buildings along Ore Branch between Cycle Systems, Wonju Street and the Roanoke River would be eligible for acquisition and demolition under FEMA's Hazard Mitigation Grant Program; whereupon, the City Manager advised that staff will contact the appropriate officials to determine if funds are available.

BUDGET-ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that the existing Exhibit Hall directly under the plaza area at the Roanoke Civic Center has had problems with leaks for several years; waterproofing the plaza by installing a new membrane roof will correct the problem and allow the space to be converted into meeting rooms; and funding in the amount of \$400,000.00 is needed for the project, and is available in the General Fund Transfers to Capital Projects Fund, Account No. 001-250-9310-9508, and may be transferred to Civic Center Fund Expansion/Renovation Phase II, Account No. 005-550-8616-9003.

The City Manager recommended that Council transfer \$400,000.00 as above described.

Mr. Dowe offered the following budget ordinance:

(#36334-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Civic Center Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 291.)

Mr. Dowe moved the adoption of Ordinance No. 36334-051903. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Council Member Cutler advised that the Roanoke Arts Commission has asked to provide design direction in regard to public art to be displayed on the Civic Center Plaza, and it is hoped that plans for water proofing the roof and the art program will be coordinated.

ACTS OF ACKNOWLEDGMENT-NORFOLK SOUTHERN CORPORATION-RAILSIDE LINEAR WALK: The City Manager submitted a communication advising that construction of the Railside Linear Walk project has been a multi-year project linking the downtown market with the Transportation Museum, and honoring Roanoke’s railroad history; in light of Roanoke’s rich railroad heritage and O. Winston Link’s significant contribution to Roanoke’s culture and art, it is proposed that the rail walk be named the “O. Winston Link Railwalk” in his honor; and currently, restoration of the historic N & W passenger station is underway, which will house the “O. Winston Link Museum”, with a projected completion date of August, 2003.

The City Manager recommended that Council adopt a resolution changing the name of the Railside Linear Walk to the O. Winston Link Railwalk.

Mr. Dowe offered the following resolution:

"A RESOLUTION renaming the Railside Linear Walk as the O. Winston Link Railwalk."

Mr. Dowe moved adoption of the resolution. The motion was seconded by Mr. Bestpitch.

D. Kent Chrisman, Executive Director, History Museum and Historical Society, expressed appreciation for the City of Roanoke's continued support of the railwalk project since its inception, and advised that fund raising efforts are ongoing, despite difficult economic times. He stated that it is appropriate to change the name of the Railside Linear Walk to the O. Winston Link Railwalk inasmuch as Mr. Link selected Roanoke as the site for his museum due to his obvious love and respect of the Roanoke community and its rail heritage. He added that the final exhibit design was recently completed by working in conjunction with a Richmond based firm, and some of the prints are currently on tour, having recently been displayed in the State of Illinois, the mission of which is to bring the Roanoke Valley and western Virginia to the rest of the world by taking the images on tour. He advised that the renaming has the support of the Executive Committee of the Virginia Museum of Transportation and the History Museum will continue to work with the Transportation Museum, The Hotel Roanoke and other rail related heritage sites and facilities along the railroad tracks.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., stated that the question of renaming the rail walk has not been reviewed by the City Planning Commission which is required of other organizations submitting similar requests. She advised that the proper City procedure has not been followed and encouraged the City to follow its own example with regard to naming public facilities.

Ms. Wyatt advised that in the past, such requests have been submitted to the Council with a recommendation by the City Planning Commission, which has also allowed for community input and ownership, and when the process is superceded, a portion of the community is alienated. She stated that her first knowledge of the recommendation was when she read the May 19, 2003 Council agenda. Therefore, Ms. Wyatt offered a substitute motion that the matter be referred to the City Planning Commission for study, report and recommendation to Council. The motion was seconded by Mr. Dowe.

Upon question, the City Attorney advised that he could find no written policy or procedure on the naming of buildings; however, traditionally, it has been the policy of Council to receive the recommendation of the City Planning Commission prior to the naming of buildings.

As background, the City Manager advised that approximately 18 months ago, it was decided that it would not be appropriate to rename the railside linear walk until the project was completed; and the project has now been completed, and plans are underway for a ribbon cutting ceremony in early June. She explained that when

the request came up in context with the ribbon cutting and a discussion regarding the anniversary celebration of the railroad, she consulted with the Director of Planning and determined that there is no written City policy for the naming of buildings; administratively, it has been the practice to forward requests for street names to the City Planning Commission for a recommendation; and with the understanding that it was Council's intent to rename the railside linear walk at the appropriate time, the recommendation was placed on the Council's agenda.

Council Member Bestpitch inquired if there is concurrence by the O. Winston Link Estate; whereupon, the City Manager referred to a May 14, 2003 communication from Mr. Chrisman in which it is indicated that John P. Bradshaw, President of the History Museum and Historical Society, reviewed the proposal with the Trustee of the O. Winston Link Estate, who has endorsed the request.

Mr. Bestpitch advised that although the matter has not been included on the formal Council agenda, it has received considerable discussion over the past 24 months, and there is no reason for it to become a controversial issue. Therefore, he spoke in support of approving the City Manager's recommendation.

Council Member Cutler inquired as to whether the railwalk could be regarded as a greenway, and the possibility of including additional artifacts, as well as interpretive activities along the railwalk and the bridge; whereupon, it was noted that the History Museum has volunteered to assist in securing some of the activities. The City Manager called attention to the need to decide which activities should be interpreted and in which ways; and the primary purpose of the railwalk may be to interpret Roanoke's rail history, as opposed to serving as another connection to the greenway since good greenway connections are already planned.

Council Member Fitzpatrick suggested that there be recognition of local persons as a part of the naming of the railwalk, in addition to the O. Winston Link connotation; i.e.: the President or Chair of Norfolk and Western Railway.

Council Member Dowe concurred in the remarks of Ms. Wyatt that the matter should be referred to the City Planning Commission for a recommendation to Council.

The substitute motion to refer the matter to the City Planning Commission for study, report and recommendation to Council was unanimously adopted.

BUDGET-REGIONAL COMPETITIVENESS ACT: The City Manager submitted a communication advising that in March, 2001, the City of Roanoke was awarded \$45,000.00 in Regional Competitiveness Funds, a State program administered locally by the Fifth Planning District Regional Alliance; of this amount, \$25,000.00 was provided to the City to help fund the air service enhancement activities being undertaken by Kaufman and Canoles Consulting, LLC; recently, the City requested that \$12,530.00 of the original \$45,000.00 grant be released to the Roanoke Regional Airport Alliance to assist with the Campaign for Fair Airfares; at the same time, the Fifth Planning District Regional Alliance was asked to make available to the City the balance of \$7,470.00 remaining from the original \$45,000.00; and the \$7,470.00 would become part of the funding needed to extend the City's agreement with KCC.

It was further advised that extension of the agreement with KCC represents a sole source procurement action on the part of the City; i.e.: the City is not soliciting competing proposals to continue the consulting services that KCC has been providing; such action is deemed appropriate and consistent with rules of the Virginia Procurement Act due to extensive involvement and experience of KCC to date in assisting with establishment of the Roanoke Regional Airport Alliance and representing the City to the business community and potential air carriers; selecting another consultant at this stage would be disruptive due to the steep learning curve involved and would, thus, adversely affect the City's ability to achieve its ultimate project goal of attracting the services of a low-fare air carrier; therefore, a change of consultant at this stage would be contrary to the public interest.

It was explained that expenses under the original agreement with KCC were less than anticipated; therefore, only \$23,856.00 in additional funds will be needed for a six-month extension; Roanoke County has agreed to share equally with the City in the costs of the KCC extension not covered by the \$7,470.00 in Regional Competitiveness Funds; thus, City and County shares will each be \$8,193.00; Roanoke County will provide its funds on a reimbursable basis, and City and County funds together will satisfy the dollar-for-dollar match required by Regional Competitiveness Funds.

It was stated that because of the importance of the services provided by KCC, extension will be written for a six-month period, with options to renew for an additional six months thereafter; and since the increase in funds is less than \$25,000.00, §2-124(b) the City Code provides direct authority to the City Manager to execute the amendment.

The City Manager recommended that Council authorize the following actions:

1. Accept the additional \$7,470.00 in Regional Competitiveness Funds and the commitment of \$8,193.00 from Roanoke County. Increase the corresponding revenue estimates and appropriate funds to the Regional Competitiveness Program, Account No. 035-410-9750-2010, in the Grant Fund; and
2. Transfer \$8,193.00 from the General Fund Contingency, Account No. 001-300-9410-2199, to the same Grant Fund account.

Mr. Dowe offered the following budget ordinance:

(#36335-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 292.)

Mr. Dowe moved the adoption of Ordinance No. 36335-051903. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36336-051903) A RESOLUTION authorizing a six-month extension of an Agreement that became effective April 1, 2002, with Kaufman and Canoles Consulting, LLC ("KCC"), for air service enhancement activities, accepting funds from the Fifth Planning District Regional Alliance and a commitment for funds from Roanoke County, and concurring with the determination of the Director of General Services that KCC is the only source practicably available to perform such air service enhancement activities.

(For full text of Resolution, see Resolution Book No. 67, page 294.)

Mr. Dowe moved the adoption of Resolution No. 36336-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

CONVENTION AND VISITORS BUREAU-TOURISM: The City Manager submitted a communication advising that the City of Roanoke has annually entered into an Agreement with the Roanoke Valley Convention and Visitors Bureau (RVCVB) to provide funding for marketing the Roanoke Valley as a convention and destination tourism site; as a part of the annual budget adopted by Council on May 12, 2003, the Memberships and Affiliations budget includes funding of \$541,440.00 specifically designated for the RVCVB; an additional \$306,000.00 is designated in the annual budget for marketing efforts and will go to the RVCVB, subject to an adjustment provision; and the additional \$306,000.00 will be adjusted by the Director of Finance, up or down, at the end of the fiscal year based on an amount equal to the actual revenues collected from the previously enacted one per cent increase in the transient occupancy tax.

It was further advised that the City has negotiated a one year agreement, commencing July 1, 2003, with the RVCVB detailing use of the funds; the agreement provides for the same number of City of Roanoke representatives on the RVCVB Board of Directors as last year, but changes the method of selection to that set forth in paragraph 8 of the Agreement, in accordance with the City Manager's recommendation; the Agreement also contains a mutual indemnity clause, which requires approval by Council; and the RVCVB submitted a detailed report listing its accomplishments through April 2003, and an annual budget and work plan for 2003-2004 will be submitted to the City Manager for review and approval, upon approval of the RVCVB Board of Directors.

The City Manager recommended that she be authorized to execute an Agreement, in the amount of \$847,440.00, with the Roanoke Valley Convention and Visitors Bureau, in a form approved by the City Attorney, for the express purpose of marketing the Roanoke Valley as a regional destination for convention and destination tourism; and that the Director of Finance be authorized to make the \$306,000.00 adjustment as above described.

Mr. Dowe offered the following resolution:

(#36337-051903) A RESOLUTION authorizing an agreement with the Roanoke Valley Convention and Visitors Bureau for the purpose of increasing tourism in the Roanoke Valley.

(For full text of Resolution, see Resolution Book No. 67, page 295.)

Mr. Dowe moved the adoption of Resolution No. 36337-051903. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Council Member Bestpitch referred to paragraph 8 of the proposed agreement and suggested that the word "member" instead of "member(s)" be inserted. He also suggested that any language that is gender specific be removed from the agreement.

BUDGET-COMMUNICATIONS DEPARTMENT-LIBRARIES-INTERNET: The City Manager submitted a communication advising that the City of Roanoke, City of Salem, Roanoke County and Botetourt County currently share an automated library system, pursuant to a 1988 agreement which gives the responsibility for operating, maintaining and administering the library system to the City of Roanoke; and the consortium operates under the name of Roanoke Valley Libraries (RVL).

It was further advised that due to limitations of its 11-year old system, RVL upgraded the system to a more comprehensive library system in September 2002; the new system has added many new capabilities for the libraries, as well as a comprehensive online Internet catalogue for citizens of the Roanoke Valley; RVL proposes to purchase hardware and software to set up a second library server for testing new releases of the software and to act as a backup to the primary library server; Library Directors and the RVL Implementation Committee have approved the purchase of a test system at a total cost of \$48,947.00; and costs will be divided among the localities based on the following percentages:

City of Roanoke	30.1%	\$14,733.00
City of Salem	10.4%	\$5,090.00

County of Roanoke	46.0%	\$22,516.00
County of Botetourt	13.5%	\$6,608.00

It was explained that funding for the City of Roanoke's share is available in Enterprise Project Management System, Account No. 013-430-9858, as approved by the Information Technology Committee (ITC).

The City Manager recommended that Council approve transfer of \$14,733.00 from Enterprise Project Management System, Account No. 013-430-9858, to an account to be established by the Director of Finance in the Technology Fund; and increase the Roanoke Regional Area Library revenue estimate, Account No. 013-430-9887-1069, by \$34,214.00 and appropriate said funds to the same Technology Fund account.

Mr. Dowe offered the following budget ordinance:

(#36338-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Department of Technology Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 296.)

Mr. Dowe moved the adoption of Ordinance No. 36338-051903. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Council Member Bestpitch referred to the consortium that operates under the name of Roanoke Valley Libraries, yet separate library departments are maintained by member jurisdictions. He stated that considerable ground work has already been done, therefore, the library issue could become the next regionalized operation within the Roanoke Valley. He further stated that there are library functions that could be combined to achieve greater efficiencies in local government, and suggested that the City again express its interest in developing a regional library department.

CITY EMPLOYEES-LEASES: The City Manager submitted a communication advising that the City currently leases 2,525 square feet of office space at 120 Kirk Avenue, S. W., to house the Occupational Health Clinic; the Clinic also uses an additional 1,400 square feet in an adjoining office suite at 114B Kirk Avenue as a training facility; rental rate for the two spaces is \$1,850.00 per month; and the current agreement between the City and Kirk Avenue Properties, LLC, will expire on May 31, 2003.

It was further advised that while the Clinic is expected to relocate to City owned facilities in the next two years, the space currently being leased is still needed, and City staff has negotiated terms for a new agreement to lease 114B and 120 Kirk Avenue S. W., for one year, from June 1, 2003 through May 31, 2004, with two one-year renewal options at the Lessee's discretion, at a rental rate of \$2,000.00 per month; if renewal options are exercised, rent will be \$2,150.00 per month for the second year and \$2,300.00 per month for the third year; the City will continue to provide its own janitorial service and minor routine maintenance; and funds are available in the fiscal year 2003-04 Occupational Health Clinic Operating Account No. 001-340-1263-3075, and will be included as part of the budgeting process in subsequent years.

The City Manager recommended that she be authorized to execute a new lease agreement with Kirk Avenue Properties, LLC, as summarized above and in a form to be approved by the City Attorney.

Mr. Dowe offered the following ordinance:

(#36339-051903) AN ORDINANCE authorizing the City Manager to enter into a lease agreement with Kirk Avenue Properties, LLC, or its successor, for office space at 114B Kirk Avenue for a training facility and 120 West Kirk Avenue for the Occupational Health Clinic, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 298.)

Mr. Dowe moved the adoption of Ordinance No. 36339-051903. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-HOSPITALS-GRANTS-LIBRARIES-INTERNET: The City Manager submitted a communication advising that the City of Roanoke Public Library System has received notification of a \$49,116.00 grant from the National Network of Libraries of Medicine/Southeastern Atlantic Region, which will provide funding to train consumers on how to access quality health information on the Internet; the primary goal of the service is to improve public health by (a) empowering individuals, especially those with low incomes, minority, youth and the elderly, to develop an understanding of the practices and benefits of preventative and early intervention health care; (b) improving the likelihood of successful treatment outcomes by allowing users of the Library system to better understand treatment protocols; and (c) preparing consumers and patients, both insured and uninsured, to interact more confidently and effectively with their health care providers by helping them to develop well-informed questions and to conduct research that will help them better understand their own health issues; and in a recent study conducted by Carilion Health System, local health care providers and health professionals concluded that equipping citizens with better consumer health oriented information is a critical need of the community.

It was further advised that grant funds will be used to hire temporary staff in the Main Library's Reference and Automation Departments; in addition, funds will be used for purchase of equipment, reproduction and printing costs, professional services/consultations, advertising, interlibrary loan services, and publications and subscriptions on health issues; major elements of the service include: (a) formation of a work group of community based and social service agencies to advise the library on development and implementation of service, (b) training of Library staff and key community volunteers on consumer health information by the Library's two medical health librarians, and (c) selection and purchase of publications, databases and web-based resources; and coordination of the above referenced elements is underway by the Library's Head of Reference Services.

The City Manager recommended that Council accept the National Network of Libraries of Medicine/Southeastern Atlantic Region grant, in the amount of \$49,116.00, and authorize the City Manager to execute an agreement with the National Network of Libraries of Medicine/Southeastern Atlantic Region, and any other forms necessary to accept the grant, to be approved as to form by the City Attorney; and appropriate \$49,116.00 and establish a corresponding revenue estimate in grant funding in accounts to be established in the Grant Fund by the Director of Finance.

Mr. Dowe offered the following budget ordinance:

(#36340-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 299.)

Mr. Dowe moved the adoption of Ordinance No. 36340-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36341-051903) A RESOLUTION authorizing acceptance of a grant award from the National Network of Libraries of Medicine/Southeastern Atlantic Region, to provide funding for the purpose of training consumers on how to access quality health information on the Internet, to improve the public health by providing citizens with better consumer health oriented information, and authorizing execution of any and all necessary documents for acceptance of the grant.

(For full text of Resolution, see Resolution Book No. 67, page 300.)

Mr. Dowe moved the adoption of Resolution No. 36341-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising that consolidation of the majority of human service agencies into one location resulted in the City leasing office space within the Civic Mall building located at 1502 Williamson Road, N. W.; design and construction work for the Civic Mall as required under the lease agreement previously approved by

Council is underway; additional funding in the amount of \$606,000.00 is required to cover costs associated with purchase of systems furniture for approximately 235 employees, casework, and design fees; bids for furnishings and casework have been received and contracts need to be awarded before bids expire on May 21, 2003; and funding is available in the following accounts:

CMERP Reserve (Account No. 001-300-9410-2197)	\$572,814.00
FY02 CMERP Balance (Account No. 001-3323)	<u>33,186.00</u>
	\$606,000.00

The City Manager recommended that Council transfer funds totaling \$606,000.00 to a new account to be established by the Director of Finance in the Capital Projects Fund, entitled Civic Mall Relocation.

Mr. Dowe offered the following budget ordinance:

(#36342-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 301.)

Mr. Dowe moved the adoption of Ordinance No. 36342-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

CITY CODE-SEWERS AND STORM DRAINS-WATER RESOURCES: The City Manager submitted a communication advising that current City Code sections require any new building abutting an existing public sanitary sewer to connect to the sewer; however, if a public sewer is not abutting a new building, current City Code provisions allow installation of a septic tank; as a policy, the Utility Department has required the extension of public gravity-sewer mains to serve all buildings, if

feasible; ordinances addressing sewer connections and extensions have not been modified since 1956, and should be changed to require mandatory connections for new buildings; and with the change, the following issues would need to be addressed.

In some cases, due to length, depth, development, subsurface conditions, or cost, it may not be feasible to extend public gravity-sewer mains to serve new buildings; if it is not feasible to extend a public gravity-sewer main adjacent to a new building, the City Manager could allow construction of a public pressure-sewer main within a right-of-way or public easement; in these cases, the property owner would be required to install a private sewer pump station, and a private pressure-sewer line to connect with the public sewer; if it is not feasible to construct a public pressure-sewer main, for the same reasons above stated for public gravity-sewer extensions, the City Manager should have the discretion to not allow construction of a public pressure-sewer main; and in these limited cases, the City Manager could allow the construction of on-site septic tank systems.

To accomplish the above changes, amendments are recommended to the following City Code sections:

Sec. 26-2. Use of House or Building Without Approved Method of Disposal of Sewage Prohibited.

It shall be unlawful for the owner of any house or building used as a place of human habitation, any warehouse, any public building or other place where human beings congregate, or are employed in the City, to use or occupy, or to rent or lease the same for the use or occupancy by any person, or for any person to use or occupy the same unless and until the house or building shall have been supplied or equipped with an approved method of disposal of human excreta and that such method of disposal will comply with the provisions of this chapter and the regulations of the state department of health.

Sec. 26-3. Mandatory Sewer Connections.

The owner or person constructing a house or building as described in Sec. 26-2, on property abutting in any manner upon a street, alley, public right-of-way or public easement through which runs a public sanitary sewer, shall be required to connect such house or building with such sewer in accordance with the provisions of this chapter. Any person who shall fail to make such connection, after sixty (60) days notice from the city manager, shall be guilty of a violation of this section. If a public sanitary sewer line is not abutting such property, an off-site extension of the existing public sanitary sewer system shall be made in accordance with the provisions of this chapter. Off-site sewer system requirements are described further in Sec. 26-8.

Sec. 26-8. Extension of Sanitary Sewers within City.

(a) Upon proper application for the off-site extension of a public sanitary sewer within the City, the City shall bear one-half of the construction cost of such extension and the applicant shall pay the other one-half of the construction cost thereof and any additional cost, less any credits, as provided in this section. If the City participates in the construction cost of the off-site extension, payment by the City shall be due upon completion by the applicant, and acceptance of such extension by the City. An off-site sanitary sewer is defined as any sewer system located or to be located outside such house or building's property. The off-site sewer system shall be a public sanitary sewer line located in a street, alley, public right-of-way or public easement.

(b) The applicant shall design and install an off-site public gravity-sewer main to serve its property. All design for public sewer mains shall be performed by a professional engineer, licensed in the Commonwealth of Virginia, and must be approved by the City. If an extension of an off-site public gravity-sewer main to the

property is determined not to be feasible by the city manager due to its length, depth, development, subsurface conditions or cost, the applicant shall design and install a public pressure-sewer main within the public right-of-way or public easement.

(c) If a house or building is constructed at an elevation that does not permit gravity flow into the public sewer system, a private pumping facility shall be constructed for such house or building. The pumping facility shall be located on private property, with a private pressure-sewer service line connecting such facility with the public sewer main.

(d) If an extension of the off-site public pressure-sewer main is not determined feasible by the city manager due to its length, depth, development, subsurface conditions or cost, the applicant may install a septic tank constructed in accordance with the rules and regulations of the state department of health.

(e) Credits will be allowed towards the increased costs for any off-site extensions if the City requires a line size in excess of the minimum size required to serve the applicant. Credits will be equal to 100% of the difference in cost for furnishing and installing the minimum line size and furnishing and installing the line size otherwise required by the City to serve the applicant.

(f) The payment by any person of any costs or charges as set forth in this section shall not relieve such person from the payment of all sanitary sewer connection costs, including the connection fees prescribed by the Council pursuant to Section 26-4.1 of this Code.

(g) Notwithstanding any other provision of this Code, whenever the abutting owner is able to establish financial inability to pay legally imposed charges incident to such extension, the city manager may provide for the necessary work and labor to accomplish such connection and

authorize the payment of such charges in monthly installments for a period not to exceed five (5) years from the date such charges initially accrue, with interest at the legal rate. Such deferred payments shall be evidenced by a note and secured by a deed of trust on the property served by the extension to be recorded, without expense to the City, in the Clerk's Office of the Circuit Court of the City.

The City Manager recommended that Council adopt a proposed ordinance.

Mr. Dowe offered the following ordinance:

(#36343-051903) AN ORDINANCE amending and reordaining Section 26-2, General requirements for disposal of human excreta and maintenance of toilet rooms, Section 26-3, Mandatory sewer connections, and Section 26-8, Extension of sanitary sewers within city, of Article I, In General, of Chapter 26, Sewers and Sewage Disposal, requiring connection to the public sanitary sewer, with certain exceptions, and for the extension of public sewer mains to serve all buildings; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 303.)

Mr. Dowe moved the adoption of Ordinance No. 36343-051903. The motion was seconded by Mr. Cutler.

Question was raised as to how sewer connections and extensions will be addressed in context with the proposed regional water authority; whereupon, the City Manager advised that the policy, as adopted by the City of Roanoke, would become a part of the regional water authority from an enforcement standpoint.

For clarification purposes, Mr. Bestpitch moved that the ordinance be amended as follows:

Delete:

§26.2 - Use of House or Building Without Approved Method of Disposal of Sewage Prohibited.

It shall be unlawful for the owner of any house or building used as a place of human habitation, any warehouse, any public building or other place where human beings congregate or are employed in the city to

use or occupy, or to rent or lease the same for the use of occupancy by any person, or for any person to use or occupy the same unless and until the house or building shall have been supplied or equipped with an approved method of disposal of human excreta and that such method of disposal will comply with the provisions of this chapter and the regulations of the state department of health.

Insert:

§26.2 - Use of House or Building Without Approved Method of Disposal of Sewage Prohibited.

It shall be unlawful for the owner of any house or building used as a place of human habitation, any warehouse, any public building or other place where human beings congregate or are employed in the city to use or occupy, or to rent or lease the same for the use or occupancy by any person, or for any person to use or occupy the same unless and until the house or building shall have been supplied or equipped with an approved method of disposal of human excreta. Such method of disposal shall comply with the provisions of this chapter and the regulations of the state department of health.

The motion was seconded by Mr. Cutler and unanimously adopted.

Mr. Bestpitch suggested preparation of an amendment to the ordinance for consideration by Council at a later date requiring notification of future property owners as to the existence of a private pumping facility.

The Mayor expressed concern with regard to costs to future developers of City property, and stated that it is conceivable that the proposed policy could interfere with future economic development.

The City Manager clarified that the proposed policy is intended to minimize and to limit the number of properties that would be developed with a private septic system, but the policy in no way eliminates septic systems. She stated that Roanoke, as a community that is highly developed and has little remaining land for development, must find as many ways as possible to make existing land developable; and the proposed policy also requires that the City of Roanoke participate in 50 per cent of the cost of sewer construction, which should be an

incentive to a prospective developer. She advised that if certain costs are determined to be extraordinary for both parties, options will be reviewed, and it is intended to address the policy in such a way that the ability of land to be developed in the City of Roanoke is not limited. She explained that the proposed policy was drafted with the intent that there will be an opportunity to make exceptions.

Ordinance No. 36343-051903, as amended, was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-EMERGENCY SERVICES-GRANTS: The City Manager submitted a communication advising that the Virginia Department of Emergency Management has awarded the Roanoke Valley Citizen Corps Council two Federal grants administered by the Commonwealth of Virginia, in the amount of \$5,000.00 for the Citizen Corps Council and \$35,000.00 for the Community Emergency Response Team (CERT); the Roanoke Valley Citizen Corps Council consists of representatives from each of the four local governments – Roanoke, Salem, Vinton and Roanoke County; also included among its members are representatives from the American Red Cross, United Way, Virginia Department of Health, and other agencies/organizations; and funds for the grants will be administered by the City of Roanoke’s Finance Department.

It was further advised that the purpose of the Citizen Corps Council is to organize and coordinate involvement of the community in emergency preparedness planning, mitigation, response, and recovery for all types of emergencies and disasters, including acts of terrorism; the Council will guide and support Community Emergency Response Team (CERT) training which promotes formulation of neighborhood teams trained in the basic skills to respond to emergencies within its immediate area until professional help arrives; CERT graduates are further encouraged to volunteer for other organizations within the community; awards were based on the strength of applications, risks, population and a demonstrated commitment to program implementation; and funds have been received by the City of Roanoke and will be used for the four jurisdictions to train citizens in emergency response procedures and to encourage volunteerism.

It was explained that funding, which requires no local match, must be used in accordance with Federal requirements for Citizen Corps Grants; the Citizen Corps Council will be responsible for using program funds according to grant guidelines and approved budgets; and the City of Roanoke will oversee financial reports which will be submitted quarterly.

The City Manager recommended that she be authorized to execute and attest, respectively, on behalf of the City of Roanoke, any documentation required in connection with obtaining and accepting the two grants and to furnish such additional information and to take such additional action as may be needed to implement and administer grant funds and grant agreements; that Council appropriate funding, in the amount of \$5,000.00 for the Citizen Corps Council and \$35,000.00 for the Community Emergency Response Team (CERT), in accounts to be established by the Director of Finance in the Grant Fund; and establish corresponding revenue estimates in the Grant Fund.

Mr. Dowe offered the following budget ordinance:

(#36344-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 310.)

Mr. Dowe moved the adoption of Ordinance No. 36344-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36345-051903) A RESOLUTION authorizing the City Manager to accept two Federal grants administered by the Commonwealth of Virginia Department of Emergency Management that have been awarded to the Roanoke Valley Citizen Corps Council, in the respective amounts of \$5,000.00 for the Citizens Corps Council and \$35,000.00 for the Community Emergency Response Team; authorizing

execution of any required documents on behalf of the City for acceptance of such grants; and authorizing the City Manager to furnish such additional information and take such additional action as may be needed to implement and administer such grants.

(For full text of Resolution, see Resolution Book No. 67, page 311.)

Mr. Dowe moved the adoption of Resolution No. 36345-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

BRIEFINGS:

COMMITTEES-YOUTH: The City Manager introduced a briefing on activities of Roanoke's Youth Initiative.

Marion Vaughn-Howard, Youth Planner, advised that the Youth Forum met on November 22, 2002, and 133 students from local high schools participated; 22 active members of the Youth Commission meet on a regular basis; a Youth Retreat was held in March 2003 and participants engaged in discussion regarding how to overcome differences, identification of key priority issues and leadership.

She explained that initiatives completed, planned or underway include a Resource Guide and Youth Directory, youth employment through the Weed and Snow Removal Program and internships, Nutrition Program, Mobile Recreation Programs, Night Moves Program, Youth Fitness Program, "Laws of Life" program, Youth Academy, and Youth Student Grant Program. She stated that programs are described as follows: the Resource Guide and Directory includes a listing of services and resources available, provides a community resource data base for Youth Services stakeholders, and provides website accessibility through Internet and CD ROM technology; the Night Moves Program provides recreational opportunities throughout the City, partnering with neighborhood organizations, and partnership with Youth Services and the City's Recreation Division; the Internships and Employment Program will provide internships for 60 - 65 young people this summer, partnering with City departments for placement, partnering with Youth

Service organizations for placement, and on the job training and work ethic development; the Youth Nutrition Program provides nutritional breakfasts and lunches during summer months, includes a recreational component, provides a nutritional education component and emphasizes the role proper nutrition plays in physical/mental development; the Mobile Recreation Program brings recreation opportunities to neighborhoods throughout the City and provides "Neighborhood Specific" Programs in under served neighborhoods of the community; the Youth Student Grant provides educational opportunities for youth in a school setting, enhancement of environmental awareness, a Social Science based program, and the 2003 Pilot Project for the Addison Butterfly Garden; Youth Commission projects consist of National Youth Services Day (adoption of Huff Lane Micro Village), Town meeting follow-up, design and plan a Youth Concert in August 2003, host a reception for World Changers on July 12 - 19, 2003, conduct a teen activity survey in December, 2003, develop and coordinate a Youth Council within each middle school in December 2003 and investigate, design and develop a "Youth Community Place in the 2003-04 budget year; the Teen Fitness Pilot Program includes a fitness program identified for teens, a family activity to encourage families to "Get Fit" together, and partnering with different middle schools each year; Laws of Life program includes partnership with Hollins University and publication of finished materials in "Youth Writing Block", governance, community involvement, leadership and core values and character development.

In summary, Ms. Vaughn-Howard advised that goals are to develop a youth leadership role in the community, to develop a holistic and innovative approach to providing youth services and programs, to create a forum and to empower youth, to develop a comprehensive approach to youth program delivery, to develop programs for young people by young people, and to promote the motto: "Roanoke, the City that continues to care about children". She stated that a recommendation will be forthcoming from the Youth Services Citizen Board and the Youth Council.

During a discussion by Council Members, it was suggested that there be consideration in regard to an amendment to the City's Comprehensive Plan to develop a comprehensive approach to youth program delivery. Council Members commended the Youth Council for partnering with Hollins University and formation of the Youth Academy.

Without objection by Council, the Mayor advised that the briefing would be received and filed.

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting appropriation of the following funds, was before Council.

\$57,008.00 from the Capital Maintenance and Equipment Replacement Fund for school bus route management software and replacement of school buses.

\$2,100,000.00 for Lincoln Terrace improvements. Funding will be utilized from Literary funds and Qualified Zone Academy Bond funds.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Mr. Dowe offered the following budget ordinance:

(#36346-051903) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School and School Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 312.)

Mr. Dowe moved the adoption of Ordinance No. 36346-051903. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

FIRE DEPARTMENT-ACTS OF ACKNOWLEDGMENT-EMERGENCY MEDICAL SERVICES: Council Member Dowe advised that he recently participated in a Fire/EMS "ride along" to observe Fire/EMS operations on a personal level; whereupon, he commended and expressed appreciation to staff of the Fire/EMS Department on the service they render to the citizens of Roanoke on a daily basis.

ACTS OF ACKNOWLEDGMENT-NEWSPAPERS-SCHOOLS: Council Member Cutler called attention to a newspaper article which was published in the Monday, May 19, 2003 edition of *The Roanoke Times*; whereupon, he commended William Fleming High School on academics and classroom achievement.

ACTS OF ACKNOWLEDGMENT-COMMITTEES-SISTER CITIES-LOCAL COLORS: Council Member Cutler commended the efforts of Ms. Pearl Fu in connection with another successful Local Colors Festival on Sunday, May 18, 2003.

SEWERS AND STORM DRAINS-WATER RESOURCES: Council Member Cutler called attention to the need to expedite construction of storm sewer drains through creation of a storm water utility fee to fund construction and inclusion of flood control among future responsibilities of the regional water authority.

WATER RESOURCES: Council Member Cutler called attention to a public meeting on development of Tinker Creek Watershed Bacteria Total Maximum Daily Load Rules Affecting Glade Creek, Lick Run, Layman Creek, and Carvin Creek on June 24, 2003, at 7:00 p.m., in Babcock Auditorium at Hollins University.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

No citizens requested to be heard.

CITY MANAGER COMMENTS:

ACTS OF ACKNOWLEDGMENT-BUSINESS INCUBATORS: The City Manager commended Soft Solutions, a graduate of the Small Business Incubator in Wasena, which was recently named the 2003 Outstanding Incubator Graduate in the technology category at the National Business Incubation Association International Conference on Business Incubation in Richmond, Virginia.

CITY EMPLOYEES-ROANOKE CIVIC CENTER: The City Manager announced that Wilhemina Boyd will assume the position of Director of Civic Facilities, effective May 28, 2003.

At 4:05 p.m., the Mayor declared the meeting in recess for two Closed Sessions.

At 6:45 p.m., the meeting reconvened in the City Council Chamber, with Mayor Smith presiding and all Members of the Council in attendance, except Vice-Mayor Harris.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Dowe moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-COMMITTEES-CITY COUNCIL-LEGISLATION-PERSONNEL DEPARTMENT-CONVENTION AND VISITORS BUREAU-FIFTH PLANNING DISTRICT COMMISSION-AUDIT COMMITTEE-WAR MEMORIAL-FIRST CITIES COALITION: In view of the resignation of Council Member William H. Carder, effective May 16, 2003, by consensus of Council, the following committee assignments were approved:

Council Member Beverly T. Fitzpatrick, Jr.:

Budget and Planning Committee

Audit Committee

Legislative Committee

Personnel Committee

Roanoke Valley Convention and Visitors Bureau, Board of Directors (Council Member Wyatt will serve as alternate representative.)

- Vice-Mayor Harris will Chair the Budget and Planning Committee
- Council Member Bestpitch will Chair the Legislative Committee
- Council Member Dowe will Chair the Personnel Committee
- The Mayor will fill the unexpired term of William H. Carder as a member of the Roanoke Valley-Alleghany Regional Commission, ending June 30, 2003. (The term of office will commence July 1, 2003 - June 30, 2006.)
- Council Member Bestpitch will replace Mr. Carder on Virginia's First Coalition of Cities (Council Member Fitzpatrick will serve as alternate representative.)
- Vice-Mayor Harris will replace Mr. Carder on the War Memorial Committee.

COMMITTEES-YOUTH-OATHS OF OFFICE: The Mayor advised that the terms of office of F. B. Webster Day, Cheryl D. Evans and Ashley Johnson as members of the Youth Services Citizen Board will expire on May 31, 2003; Mr. Day has declined to serve another term; whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Fitzpatrick placed in nomination the names of Cheryl D. Evans, Ashley Johnson, and Richard Clemmer, Jr.

There being no further nominations, Ms. Evans, Ms. Johnson and Mr. Clemmer were reappointed/appointed as members of the Youth Services Citizen Board, for terms ending May 31, 2003, by the following vote:

FOR MS. EVANS, MS. JOHNSON AND MR. CLEMMER: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----5.

(Vice-Mayor Harris was absent.)(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

At 6:50 p.m., the Mayor declared the meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, May 19, 2003, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., and Mayor Ralph K. Smith-----6.

ABSENT: Vice-Mayor C. Nelson Harris-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member Dowe.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGMENTS: The Mayor advised that "Shining Star" awards are presented to persons who go above and beyond the call of duty to be of service to their fellow man and woman and to their community. He stated that on behalf of the Members of Council, he was pleased to present two "Shining Star" awards.

The Mayor advised that the first award is presented to the Patrick Henry High School Emergency Response Team, composed of Amy Barger, Andrew Ferring, David Fifer, John Kaylor and faculty advisor, SRO Ray Lewis. He stated that the team provides immediate stabilization of medical and trauma emergencies on the campus of Patrick Henry High School and members are certified Commonwealth of Virginia Emergency Medical Technicians; they provide standby coverage for selected school functions such as football games, pep rallies, and assemblies, and they also serve as volunteers throughout the Roanoke Valley. He commended the above named persons who make a difference when seconds count.

The Mayor further advised that a second "Shining Star" award is presented to Mr. Eugene E. Samuels, an employee of the City in the Department of Utilities. He stated that recently, Detective Kyle Williams observed an individual on the Wasena Bridge who was visibly despondent and appeared to be contemplating jumping from the bridge; as the detective was waiting for support from another officer, Mr. Samuels was driving across the bridge and noticed the man sitting on the wall of the bridge; Mr. Samuels stopped his vehicle to render assistance, but before he got too close to the suicidal man, the detective directed Mr. Samuels not

to approach, at which time he got back in his vehicle and parked at a safe distance from the scene, where he got out and watched the situation begin to unfold. He advised that at that moment, the man lowered himself from the wall of the bridge to the narrow lip on the outside and leaned out in preparation to jump; recognizing the immediate danger, both Detective Williams and Mr. Samuels ran toward the man and just as he was about to let go, they were able to pull him to safety. The Mayor stated that while some people might have driven by and not paid attention to what was going on, Mr. Samuels stopped and showed concern for a fellow citizen in his time of need.

PUBLIC HEARINGS:

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 19, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Liberty Property Limited Partnership that a 0.186 acre portion of right-of-way in the shoulder of Blue Hills Circle, N. E., be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 2, 2003 and Friday, May 9, 2003.

The City Planning Commission submitted a written report advising that the petitioner requests closure and vacation of a portion of unimproved right-of-way to add the land to an adjoining parcel; and the petitioner owns all of the adjoining property to which this portion of right-of-way would be added.

The City Planning Commission recommended that Council approve the request to vacate, discontinue and close the subject portion of right-of-way, subject to certain conditions; and further recommended that the petitioner not be charged a fee for the parcel of land.

Mr. Dowe offered the following ordinance:

(#36347-051903) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 67, page 314.)

Mr. Dowe moved the adoption of Ordinance No. 36347-051903. The motion was seconded by Mr. Bestpitch.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36347-051903 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 19, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City Planning Commission that property located within the southwest quadrant of the City, identified as Official Tax Nos. 1330401 - 1330403, inclusive, and 1330117, 1330118 and 1330134, located on Denniston Avenue, Memorial Avenue and Our Street, S. W., be rezoned from C-1, Office District, to CN, Neighborhood Commercial District, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 2, 2003 and Friday, May 9, 2003.

The City Planning Commission submitted a written report advising that the owner of two properties fronting on Memorial Avenue, S. W. (Official Tax Nos. 1330117 and 1330118) approached City Planning staff with regard to rezoning the properties from C-1, Office District, to CN, Neighborhood Commercial District; the area represents the eastern edge of the Grandin Village business area; and City staff identified several adjacent C-1 properties (Official Tax Nos. 1330134, 1330401, 1330402, and 1330403) which are similarly situated and recommended that all parcels be included in a rezoning initiated by the City Planning Commission.

The City Planning Commission recommended that Council approve the request for rezoning, which is supported by and consistent with the Comprehensive Plan in that it will encourage development that is appropriate for the village center.

Mr. Dowe offered the following ordinance:

(#36348-051903) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 133, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 316.)

Mr. Dowe moved the adoption of Ordinance No. 36348-051903. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36347-051903 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-INDUSTRIES: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, May 19, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of Roanoke to enter into an option, or sale agreement, for the sale of 18.437 acres of City-owned property, identified as New Tract F, located in the Roanoke Centre for Industry and Technology for commercial purposes, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Saturday, May 10, 2003.

The City Manager submitted a communication advising that staff of the City of Roanoke Department of Economic Development has been negotiating with a potential buyer for the purchase of New Tract F, Official Tax No. 7230105, at the

Roanoke Centre for Industry and Technology (RCIT); in order to option or sell property, a public hearing is required under the Code of Virginia, which has been scheduled for May 19, 2003, and an Option Agreement has been finalized for Council's approval.

The City Manager recommended, following the public hearing, that she be authorized to execute an Option Agreement, and to take such further action and to execute such other documents as may be required to implement sale of the property.

Mr. Fitzpatrick offered the following ordinance:

(#36349-051903) AN ORDINANCE authorizing the execution of an Option Agreement with Roanoke Development, LLC, for the option to purchase a parcel of land known as New Tract F and consisting of approximately 18.437 acres in the Roanoke Centre for Industry and Technology ("RCIT"), upon certain terms and conditions; authorizing the City Manager to take such further action and execute such other documents as may be required in connection with such Option Agreement; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 318.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36349-051903. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., requested that Council consider minority hiring practices of SEMCO Inc. of Virginia, and determine if SEMCO is the type of employer that the City of Roanoke wishes to transact business with.

Mr. Herman Carter, 2910 Clifton Street, N. W., expressed concern with regard to hiring practices of SEMCO Inc. of Virginia and Sheet Metal Workers Local 100. He asked that the City of Roanoke request a Federal investigation of SEMCO and Local 100.

Upon question, the City Manager advised that an investigation of employment practices would be more appropriately addressed by a Federal agency; whereupon, Mr. Fitzpatrick suggested that the City Manager contact SEMCO to advise of community concerns.

There being no further speakers, the Mayor declared the public hearing closed.

There being no further discussion by Council, Ordinance No. 36349-051903 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

The City Manager submitted a communication advising that the Industrial Development Authority of the City of Roanoke approved a resolution for IDA bond financing on April 9, 2003, in an amount not to exceed \$6,000,000.00 for WELBA I, LLC, or another limited liability company to be formed by the principals thereof; and the City's Economic Development staff has negotiated with Roanoke Development, LLC, for an Option Agreement for purchase of New Tract F in the Roanoke Centre for Industry and Technology to build a new facility at RCIT for lease to SEMCO Incorporated of Virginia for manufacturing purposes.

The City Manager recommended that Council approve issuance of Industrial Development Bonds by the Industrial Development Authority, not to exceed \$6,000,000.00, and authorize the City Manager to take such action as is referenced in a proposed resolution.

Mr. Dowe offered the following resolution:

(#36350-051903) A RESOLUTION approving the issuance of up to \$6,000,000.00 in Revenue Bonds of the Industrial Development Authority of the City of Roanoke, Virginia (the "Authority") at the request of WELBA I, LLC, or another limited liability company to be formed by the principals thereof ("Borrower"), to assist in the financing of the acquisition, construction and equipping of a facility consisting of approximately 104,400 square feet to be leased to Semco Incorporated, and to be used for the manufacture of ductwork ("Project") which will be located on New Tract F in the Roanoke Centre for Industry and Technology (the "Centre"), which approval is required by §147(f) of the Internal Revenue Code of 1986, as amended, and §15.2-4906 of the Code of Virginia (1950), as amended.

(For full text of Resolution, see Resolution Book No. 67, page 319.)

Mr. Dowe moved the adoption of Resolution No. 36350-051903. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

CITY CODE-ANIMALS/INSECTS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 19, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to an amendment of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, Section 36.1-228, Special exception uses, to include veterinary clinics with no outside corrals and pens, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 2, 2003 and Friday, May 9, 2003.

The City Planning Commission submitted a written report advising that the petition was initiated pursuant to Resolution No. 36259-030303, adopted by Council on March 3, 2003, authorizing the City Manager to initiate an amendment of the zoning ordinance to provide for establishment of veterinary clinics as a special exception use in the C-3, Central Business District.

The City Planning Commission recommended that Council approve the proposed text amendment.

Mr. Fitzpatrick offered the following ordinance:

(#36351-051903) AN ORDINANCE amending and reordaining §36.1-228, Special exception uses, Article III, District Regulations, Division 3, Commercial District Regulations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, by adding subsection (6) to provide for the establishment of veterinary clinics with no outside pens or corrals as a special exception use in the C-3, Central Business District; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 321.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36351-051903. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36347-051903 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

POLICE DEPARTMENT-CITY CODE-TOWING CONTRACT-ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 19, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to proposed amendments to the Zoning Ordinance to better define and differentiate between certain interrelated land use activities that involve towing services, wrecker services, new and used motor vehicle sales and service and a new and used commercial motor vehicle sales and service, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 2, 2003 and Friday, May 9, 2003.

The City Planning Commission submitted a written report advising that the text amendments have been initiated to better define and differentiate between certain interrelated land use activities that involve towing services, wrecker services, new and used motor vehicle sales and service, and new and used commercial motor vehicle sales and service; a 1999 court decision delineated the ineffectiveness of enforcement of the zoning ordinance with respect to the current definition of a "tow truck operation" in regard to salvaging and continuous outdoor storage of inoperable motor vehicles; various aspects of the text amendments have been the subject of public discussion since August, 2001; and different versions of a text amendment have been presented to the City Planning Commission on two prior occasions.

It was further advised that after the recommendation of approval by the Planning Commission in November, 2001, opposition by local towing contractors associated with the City's Towing Advisory Board resulted in the City Planning Commission requesting that the matter be referred back to staff and to the Towing Advisory Board for further study; and the matter was tabled again by the Planning Commission in April, 2002:

Considerations – Towing services and wrecker services:

The proposed amendments more clearly define towing operations by providing two new classifications, namely "towing service" and "wrecker service;" these classifications include specific activities permitted with respect to towing and disposition of operable or inoperable motor vehicles; in addition to providing recovery, removal, and storage activities for inoperable or damaged motor vehicles, the proposed definition of a "wrecker service" includes the dismantling, demolition, repair, salvage, or sale of inoperable or damaged motor vehicles or parts; a "towing service" does not include those activities.

The proposed amendments regulate "towing services" and "wrecker services" as follows:

"Towing services" are permitted by right in the C-2, LM, and HM Districts. (Note: The current ordinance permits "tow truck operations", as defined by the current ordinance, by special exception in the LM and HM Districts.)

"Wrecker services" are permitted by special exception in the LM and HM Districts. (Note: The current ordinance permits by special exception "tow truck operations" with certain standards and "wrecking, salvage and recycling yards" in the HM District; the proposed text amendment will provide for a combination of "wrecker service" and "wrecking, salvaging and junk yards" under one special exception use provision.)

- Any parts removed from a damaged or inoperative motor vehicle as part of the salvage operations of a "wrecker service" are required to be stored within a wholly enclosed building.

For both “towing services” and “wrecker services”:

- A minimum lot area of 20,000 square feet is required.
- Storage areas for damaged and inoperable vehicles are required to be screened from view from adjacent properties and public streets;
- Outdoor storage of damaged and inoperable vehicles is limited to a period not to exceed 120 calendar days, except for certain circumstances set forth in the proposed amendment. (Note: The current ordinance limits such storage to 45 business days.)

Considerations – Motor vehicle sales and service:

The proposed amendments provide definitions for “new commercial motor vehicle sales and service establishment,” “used commercial motor vehicle sales and service establishment,” “new motor vehicle sales and service establishment,” and “used motor vehicle sales and service establishment”, and provide for such uses as follows:

“New commercial motor vehicle sales and service establishments” are permitted by right in the LM District, provided the lot contains a minimum of 20,000 square feet. (Note: Under the current ordinance, the sale or rental of “automobiles, trucks, and construction equipment” is permitted by right in the C-2 District, with a minimum lot area of 20,000 square feet, while the “sale or rental of trucks and construction equipment” is permitted by special exception in the LM District.)

“Used commercial motor vehicle sales and service establishments” are permitted by special exception in the LM District.

“Commercial motor vehicle repair” is permitted in the LM District, provided that all such repair activities are in a wholly enclosed building.

“New motor vehicle sales and service establishments” are permitted by right in the C-2 District provided the lot area contains a minimum of 40,000 square feet, and by special exception in the C-3, Central Business District. (Note: Under the current ordinance, “the sale or rental of automobiles, trucks, and construction equipment” is permitted by right in the C-2 District with a minimum lot area of 20,000 square feet, and by special exception in the C-2 where the lot area is less than 20,000 square feet.)

“Used motor vehicle sales and service establishments,” are permitted by right in the C-2 District with a minimum lot area of 10,000 square feet. (Note: Under the current ordinance, there is no differentiation between a “new” and “used” “motor vehicle establishment and therefore used motor vehicle sales and service is permitted by right in the C-2 with a lot area of at least 20,000 square feet or by special exception with a lot area of less than 20,000 square feet.)

Considerations – General service establishments:

The proposed text amendments address the permitted locations of “general service establishments.” In this proposal, “general service establishments” would be permitted as follows:

Permitted by right in C-2, General Commercial District: If primarily engaged in repair or maintenance of automobiles or trailers, must be in a wholly enclosed building and can sell up to five repaired or rebuilt automobiles or trailers within one calendar year.

Permitted by right in C-3, Central Business District: Cannot repair automobiles or trailers.

Permitted by right in LM, Light Manufacturing District: If primarily engaged in repair or maintenance of automobiles or trailers, must be in a wholly enclosed building.

Permitted by right in HM, Heavy Manufacturing District: If primarily engaged in repair or maintenance of automobiles or trailers, must be in a wholly enclosed building.

Considerations – Parking of commercial motor vehicles in residential districts:

By adding the definition of a “commercial motor vehicle,” the proposed amendments revise the impact of the section providing for the regulation of the parking of commercial motor vehicles in a residential district; the change is tied to the proposed definition of a “commercial motor vehicle” and prohibits the parking of such vehicles in residential districts; for consistency, City Council will also be considering an amendment to §20-71 of the City Code regarding the definition of a commercial motor vehicle and the regulation of the parking of such vehicles on public streets in residential districts.

Other Considerations:

Since the initial proposal, amendments have undergone a series of revisions to address concerns of the Towing Advisory Board and various motor vehicle dealerships, including an appropriate timetable for the storage of inoperable vehicles, flexibility in the permitted locations for general towing operations, and properly addressing the nature of motor vehicle businesses and how they operate. The proposed text amendments provide for:

The storage of inoperable vehicles up to 120 days (an increase from the 45 days of the current ordinance and the initially proposed 90 day limit);

“Towing services” permitted by right in the C-2, LM, and HM Districts compared to the current ordinance that permits “tow truck operations” only by special exception in the LM District; and

Well-defined distinctions between the land use activities of towing services, wrecker services, new motor vehicle sales and service, used motor vehicle sales and service, and new commercial vehicle sales and service, and used commercial vehicle sales and service.

Mr. Dowe offered the following ordinance:

"AN ORDINANCE amending and reordaining §36.1-25, Definitions; subsections (26) and (37) of §36.1-206, Permitted uses; subsection (26) of §36.1-227, Permitted uses; subsection (3) of §36.1-228, Special exception uses; subsection (24) of §36.1-249, Permitted uses; subsection (11) of §36.1-270, Permitted uses; subsection (5) of §36.1-271, Special exception uses; §36.1-206, §36.1-207, and §36.1-250, by deleting certain uses as permitted uses or uses by special exception; and §36.1-435, Parking of commercial vehicles, and adding new subsections (50) and (51) of §36.1-206, Permitted uses; subsections (28), (29) and (30) of §36.1-249, Permitted uses; subsections (5) and (9) of §36.1-250, Special exception uses; subsections (12) and (13) of §36.1-270, Permitted uses; and subsection (3) of §36.1-435, Parking of commercial vehicles, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended; and dispensing with the second reading by title of this ordinance."

Mr. Dowe moved adoption of the above referenced ordinance. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, the following persons addressed Council.

Mr. Leo Trener, 543 Petty Avenue, N. E., expressed concern that he received no prior notification that the proposed ordinance was to be considered by Council this evening. He stated that the report of the City Planning Commission states that five vehicles may be sold within one year, but makes no reference to a motor vehicle dealer's license; however, State Code provisions specifically require that in order to sell or allow the display of five or more vehicles within one year, a dealers license must be obtained. Therefore, he noted that the City's proposed ordinance is not in conformance with State Code provisions. He called attention to enforcement issues regarding unlicensed for sale vehicles that are parked on shopping center lots throughout the City. He requested that Council delay action on the recommendation of the City Planning Commission for approximately 60 days, notify property owners, and allow for citizen input and fine tuning of the proposed regulations before they are enacted by Council.

Ms. Susan Brazell, 451 Hope Road, S. W., Administrator, Virginia Association of Towing and Recovery Operators (VATRO), advised that VATRO works in conjunction with approximately 125 towing companies throughout the Commonwealth of Virginia to promote the professionalism of the towing and

recovery industry. She explained that the State Code addresses scrap metal dealers, etc., and includes repair facilities in the category with scrap, and salvage companies; however, repair facilities are quite different. She stated that another issue of concern relates to incident response time and when tow trucks are prohibited from parking in residential areas, the response time of 20 minutes in order to be included on the City's call list will drop due to the amount of time involved for the tow truck operator to return to his business and drive to the scene of the incident. She explained that the Federal Highway Administration has awarded \$150,000.00 to the towing industry to develop an incident management guidebook for towers; therefore, for the above stated reasons, she requested that Council delay the vote on the proposed ordinance pending further study and input by all affected parties.

Mr. Tommy Woods, 1749 Granby Street, N. E., representing Woods Towing and Recovery and Tanglewood Towing and Recovery, advised that the proposed regulations restricting the parking of tow trucks in residential neighborhoods are so restrictive that tow company operators will choose not to live in the City of Roanoke because the 20 minute response time in order to be included on the Police Department's tow list cannot be met. He called attention to emergency situations when it is imperative that a tow truck arrive at the scene of an incident as expeditiously as possible.

Mr. Mike Ferguson, 725 13th Street, S. W., requested that action on the proposed ordinance be delayed, that affected parties be notified of the proposed changes, and encouraged the City to notify citizens of proposed changes before they are enacted by Council to allow for public input. He explained that the proposed revisions will affect not only the present generation of tow truck operators, but future generations as well; therefore, the matter justifies more study before the proposed regulations are approved by Council.

There being no further speakers, the Mayor declared the public hearing closed.

With regard to addressing the 20 minute or less response time, Mr. Bestpitch questioned whether alternative procedures were suggested for meeting the required response time; whereupon, Brian Townsend, Agent to the City Planning Commission, advised that the Planning Commission did not reach that level of discussion because the matter only becomes an issue during non-business hours, and during the work day, it was the Planning Commission's presumption that tow truck operators will operate from their place of business or on call by radio.

There was discussion with regard to notification of affected parties; whereupon, Mr. Townsend advised that the matter has been under consideration and discussion for the past 18 months, and representatives of the towing industry were given the opportunity to identify and address areas of concern.

There was discussion with regard to previous comments by Mr. Leo Trener that State Code provisions require that a dealer's license must be obtained in order to sell for profit five or more vehicles within one year; whereupon, Evelyn D. Dorsey, Zoning Administrator, advised that according to information received from the Motor Vehicle Dealer Board in Richmond, up to five vehicles may be sold within one calendar year without having to be licensed as a dealer.

Following further discussion, the City Attorney reviewed Title 46.2, Code of Virginia (1950), as amended, which, among other things, provides that any person who offers to sell, sells, displays or permits the display for sale of five or more motor vehicles within any 12 month period must obtain a dealers license.

Ms. Wyatt offered a substitute motion that action on the proposed ordinance be tabled, and that the matter be referred back to the City Planning Commission for further study, report and recommendation to Council, in order to provide an opportunity for input by all affected parties. The motion was seconded by Mr. Fitzpatrick and adopted.

Mr. Fitzpatrick stated that there is a difference when residents complain about commercial vehicles parking in residential neighborhoods, as opposed to tow trucks. He stated that because the Police Department has required a 20 minute response time for tow trucks to be included on the City's towing list, there should be an appropriate compromise. Also, in the salvage and wrecking business, he stated that owners must take responsibility relating to the condition of their property.

In order to generate wide spread notification of the proposed amendments, Mr. Bestpitch requested that all persons in a related business who were present in the Council Chamber and those persons watching the proceedings on RVTV Channel 3, contact at least three other persons who are in the same business.

A communication from the City Manager recommending adoption of an ordinance amending Section 20-71 of the City Code pertaining to the regulation of on-street or alley parking of commercial motor vehicles in residential districts, was tabled pending determination of the definition of commercial vehicle.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, report and recommendation to Council.

COMPLAINTS-HOUSING/AUTHORITY: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., addressed Council as a member of the Lincoln Congress, which represents numerous residents of Lincoln Village. She reiterated previous concerns of residents regarding the need for installation of screen doors on their housing units which will result in improved health and safety.

Ms. Bessie Bond, 1933 Gayle Street, N. W., advised that the residents of Lincoln Terrace need screen doors on their housing units for health and safety reasons.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., a member of the Lincoln Congress, spoke in support of the request of the two previous speakers. She called attention to special concerns regarding the elderly and disabled and referred to faulty construction at Lincoln Terrace, some units have only one entrance or exit, which is a fire hazard, and the Roanoke Redevelopment and Housing Authority has not responded satisfactorily to their concerns. She asked that Council work in concert with the City Manager and the Executive Director of the Housing Authority to address valid issues of concern, and that Council visit the area and talk with residents regarding their concerns.

SCHOOLS: Mr. Chris Craft, 1501 East Gate Avenue, N. E., called attention to the need for School Resource Officers at William Fleming and Patrick Henry High Schools.

Mr. David Fifer, 3738 Heritage Road, S. W., advised that the Roanoke City School Board is currently considering eliminating a School Resource Officer position at both William Fleming and Patrick Henry High Schools, thus reducing the number of officers assigned to each school from three to two. He stated that should the School Board follow through with the decision, it would be to the severe detriment of school safety, security, and police community relations; and School Resource Officers are more than peace officers, they are faculty advisors, coaches, counselors, mentors, teachers, friends and role models, and their presence in the schools puts a personal face on law enforcement. He advised that the Patrick Henry High School Emergency Response Team has responded to approximately 35 calls for service this school year alone and the team would not exist if it were not for the

involvement of School Resource Officers, who are professionals trained specifically to identify opportunities for safer learning environments. He added that for some persons to state that schools are safe and police presence is unnecessary is an irresponsible attempt to paint a certain picture of Roanoke's school system that is, at the very least, naive. He advised that School Resource Officers are the only persons who come to the job every day with the knowledge and the tools to counter the very real and easily identifiable threats found in today's schools. In conclusion, he stated that School Resource Officers not only protect lives and ensure safety, but demonstrate to many students that Police Officers are a friend to those in need. He requested that Council work with the School Board and the Superintendent of Schools to ensure that the City of Roanoke does not take a backwards step on the road to a safer tomorrow.

CITY CODE-SEWERS AND STORM DRAINS-BUDGET-COMPLAINTS-NEIGHBORHOOD ORGANIZATIONS-HOUSING/AUTHORITY: Ms. Eleanor Casey, 5220 Shamrock Road, N. W., addressed Council in connection with a house that was moved to the Shamrock Road area approximately one year ago. She inquired as to actions, if any, the City can take to provide input with regard to changing State laws governing the authorization of building permit extensions every six months for an indefinite period of time; and what entity has jurisdiction over site regulation during the construction process.

Ms. Gloria Dowe, 3702 High Acres Road, N. W., also addressed issues regarding a house that was moved to the Shamrock Road area. She inquired as to when does a structure being transported on steel beams to a site that is not supported by steel beams cease to be a conventional mobile manufactured home; and do zoning regulations currently exist that would prohibit the location of a mobile home in a residential neighborhood. She called attention to the need for sidewalk, curb and gutter in the Westside area of the City.

Council Member Bestpitch responded to the remarks of Ms. Casey and Ms. Dowe, and advised that the Legislative Committee will look to the City Manager for recommendations for inclusion in the City's 2004 Legislative Program, that will address their concerns.

COMPLAINTS: Mr. Robert Gravely, 3360 Hershberger Road, N. W., expressed concern that the City of Roanoke supports the needs of business over the needs of its citizens; the City's ageing infrastructure; and the City is losing revenue because all sales and real estate taxes are not being properly collected.

COUNCIL-WATER RESOURCES: Council Member Dowe requested that the City Manager investigate standing water at the corner of Andrews Road and 19th Street, N. W., and Wellsley Avenue and Abbott Street, N. W.

COUNCIL-WATER RESOURCES: Council Member Wyatt requested that the City Manager investigate standing water in the area of the Lynchburg Turnpike.

COUNCIL-STREETS AND ALLEYS: Council Member Fitzpatrick called attention to pot holes in the City's streets and encouraged City employees to identify those areas of the City as they go about their daily tasks, with the goal of repairing pot holes on a temporary basis, pending the City's annual street paving program.

There being no further business, at 9:05 p.m., the Mayor declared the meeting adjourned.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor
